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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,352	09/29/2000	Tony A. Craft	SP00-295	1123

22928 7590 02/21/2003

CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

EXAMINER

HOFFMANN, JOHN M

ART UNIT	PAPER NUMBER
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1731

12

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/675,352	Applicant(s) CRAFT ET AL.	
	Examiner John Hoffmann	Art Unit 1731	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The new issue is whether claims 15-17 and 19 would define over the prior art.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) 13 and 14 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

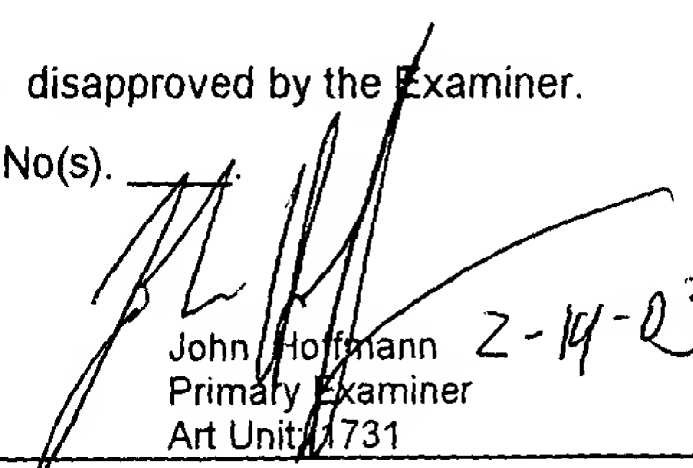
Claim(s) allowed: _____.

Claim(s) objected to: 13-16.

Claim(s) rejected: 10, 12-17 and 19-22.

Claim(s) withdrawn from consideration: 1-9 and 15-16 remain withdrawn.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____


 John Hoffmann
 Primary Examiner
 Art Unit 1731

Continuation of 5. does NOT place the application in condition for allowance because: There was no evidence submitted to support the allegations re "profile" and "furnace". It is noted that Examiner would not think it reasonable for a potential infringer to overcome the claims, by using a one furnace that is 20% longer than the another (i.e. non-identical in temperature profile). Examiner believes that the "profiles" need not correspond to the entire volume of the furnaces - thus any sub-portion of the furnaces should suffice. Any evidence refuting this will be considered. It is noted that The American Heritage® Dictionary of the English Language, Fourth Edition gives a definition for "furnace" as "an intensely hot place". Page 6, lines 19-22 does not give adequate notice that such is a definition for "pre-optimized" tip shape. Examiner still holds that a room is a chamber. Although Humbert does not have Applicant's advantages, the presently rejected claims are not so narrow as to require the disclosed improvement. Claims that are essentially limited to the improvement (proposed claims 13-14) are allowed. The drawings filed 10-15-02 are acceptable. Claims 1-9 are withdrawn from consideration - they are not pending.